

Remarks

Claims 1-6 are pending in the subject application. By this amendment, claim 1 is amended. Upon entry of this amendment, claims 1-6 will remain pending before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Claim 1 is rejected under 35 USC §112, second paragraph, as indefinite. In accordance with the Examiner's suggestion, Applicant has amended claim 1 to lend greater clarity to the claimed subject matter, specifying the step of forming an oxidation layer on the entire substrate except the spacers. No new matter is added by this amendment. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 1, 2, and 4-6 are rejected under 35 USC §103(a) as obvious over IIwang *et al.* (U.S. Patent No. 6,417,097) and Wu *et al.* (U.S. Patent No. 6,156,854). Applicant respectfully traverses this rejection. The claimed invention discloses device isolation trench 22 formed through removing the top portion of the substrate by an anisotropic etching process. The oxidation layer 24 of the claimed invention is deposited on trench 22, which is not occupied by an oxide or nitride therein. IIwang *et al.* teaches conventional STI(or trench), which is occupied by an oxide. There is no motivation in IIwang or Wu to modify IIwang in this manner, therefore the method as claimed is not obvious. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

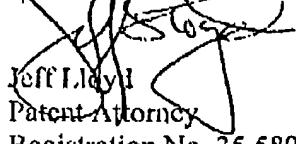
Next, claim 3 stands rejected under 35 USC §103(a) as unpatentable over IIwang *et al.* and Wu *et al.* as applied to claim 1, and further in view of Chen (US Patent 5,597,747). The shortcomings of IIwang and Wu as applied to amended claim 1 are set forth above. Claim 3 depends from claim 1, thus the shortcomings of the cited references are equally applicable here. The tertiary reference, Chen '747, fails to provide any motivation to modify IIwang to include the step of forming an oxidation layer on the entire substrate except on the spacers. Because Chen '747 fails to cure the deficiencies of IIwang and Wu, there is no suggestion found in the cited references to perform the method of claim 3. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,


Jeff Lloyd
Patent Attorney

Registration No. 35,589

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association

P.O. Box 142950

Gainesville, FL 32614-2950

JL/amh